



City of NORFOLK

C: Dir., Department of Utilities

To the Honorable Council
City of Norfolk, Virginia

March 10, 2015

From: Eric Tucker, Assistant Director of Utilities

Subject: Permanent Utility and
Temporary Construction Easements
from Judith A. Clarke and Nancy
Lynwood Clarke Jones

Reviewed:

Ronald H. Williams, Jr., Deputy City
Manager

Ward/Superward: N/A

Approved:

Marcus D. Jones, City Manager

Item Number:

PH-2B

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk Department of Utilities
Easement Location: 3833 Bruce Road, Chesapeake, Virginia

III. **Description**

This agenda item is to adopt an Ordinance approving the acquisition of a permanent utility easement and two temporary construction easements through either purchase agreement or condemnation at 3833 Bruce Road in the City of Chesapeake, Virginia.

IV. **Analysis**

The variable width permanent utility easement and temporary construction easements will allow the City to install and maintain a new 36" raw water main. The existing 36" water main in this area has reached the end of its useful life and two large emergency repairs have been made in the past year. The City will be relocating a portion of the existing water main from developed residential property to a nearby existing street. Construction of the new water line is scheduled to begin in the spring of 2015.

V. **Financial Impact**

The total cost to the City for the easements is \$6,000.

VI. Environmental

The City is acquiring all necessary approvals from the U.S. Army Corps of Engineers and the Cities of Chesapeake and Portsmouth. The new water main will be installed by horizontal directional drill, which will minimize impacts to the surrounding properties.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process. Meetings have been held with the affected property owners and City officials from the Cities of Chesapeake and Portsmouth.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter has been coordinated with the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance

02/11/2014 tsv

Form and Correctness Approved:

By [Signature]
Office of the City Attorney

Contents Approved:

By [Signature]
DEPT.

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

\$ 6,000.00 4000-33-3057-5581
[Signature] Account (FY 07)
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE FINDING A PUBLIC NECESSITY FOR THE ACQUISITION OF TWO TEMPORARY CONSTRUCTION EASEMENTS AND ONE PERMANENT UTILITY EASEMENT FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, AND OPERATING CERTAIN FACILITIES RELATED TO THE CITY'S WATER SUPPLY SYSTEMS, SAID EASEMENT TO EXTEND ACROSS PROPERTY LOCATED AT 3833 BRUCE ROAD AND THE ADJOINING PARCEL A IN THE CITY OF CHESAPEAKE, VIRGINIA; AUTHORIZING THE ACQUISITION OF THE EASEMENTS BY EITHER PURCHASE AGREEMENT OR CONDEMNATION; AND ACKNOWLEDGING THE EXPENDITURE OF THE SUM OF \$6,000.00 TO ACQUIRE SUCH.

- - -

WHEREAS, the City of Norfolk is empowered by the provisions of Virginia Code Sections 15.2-1901, 15.2-1901.1 and 15.2-2109 and by Norfolk City Charter Section 2(5) to acquire by eminent domain any easement across private property for public uses, including certain portions of the property located at 3833 Bruce Road in the City of Chesapeake, Virginia, being more specifically described hereinafter in Section 2;

WHEREAS, it is the judgment of the City Council of the City of Norfolk that two temporary construction easements and one permanent utility easement across portions of property described hereinafter in Section 2 are necessary for the purpose of

constructing, maintaining, and operating a water main and appurtenant facilities which are needed by the City of Norfolk as part of its water supply system;

WHEREAS, available property records indicate that the persons having an ownership or other possessory interest in the properties to be burdened by the easements are, at the time of the adoption of this Ordinance, Judith A. Clarke and Nancy Lynwood Clarke (also known as Nancy Lynwood Clarke Jones); and

WHEREAS, based on information provided in the report of a professional appraiser licensed in the Commonwealth of Virginia, the total estimated funds necessary to compensate the owner thereof for such easements are not more than \$6,000.00; wherefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That, pursuant to the provisions of Virginia Code Section 15.2-1901, 15.2-1901.1 and 15.2-2109 and Norfolk City Charter Section 2(5), the Council finds that acquisition of two temporary construction easements and one permanent utility easement located on properties as hereinafter described are necessary for the purpose of constructing, maintaining, and operating a certain water main and appurtenant facilities that are part of the City's water supply systems.

Section 2:- That the City Manager and City Attorney be, and hereby are, authorized and directed to take such action as may be necessary to acquire the temporary and permanent easements including, if necessary, the institution of condemnation proceedings and to arrange for payment of compensation to the owner or owners of the properties across which the easements are situate, as well as any other persons having an interest in such properties, said easements being specifically set forth and described as follows:

For the temporary construction easement across
Parcel A:

All that certain lot, piece or parcel of land situate, lying and being in the City of Chesapeake, Virginia to be used as a temporary construction easement across Parcel A for a water main and appurtenant facilities and being a portion of the property of Judith A. Clarke as shown on the plat entitled "Project Parcel 004 Plat Showing Variable Width Permanent Easement and Temporary Construction Easements to be acquired from Nancy Lynwood Clarke Jones & Judith A. Clarke by City of Norfolk", dated July 6, 2012 and revised November 18, 2013 and December 3, 2013, prepared by Rouse-Sirine Associates, Ltd., and attached hereto as "Exhibit A," said portion being more particularly described as follows:

BEGINNING at a point on the southern line of Bruce Road (Variable Width R/W) that is the northwest corner of Parcel A, property of Nancy Lynwood Clarke Jones & Judith A. Clarke (M.B. 60, P. 69) and the northeast corner of Parcel B, now or formerly Mariana C. Sumner, Trustee of the Sumner Family Trust (M.B. 60, P. 69); thence, from the point of beginning thus described, S 59°-13'-24" E, 500.02, more or less, to an angle point in the southern line of Bruce Road (Variable Width R/W) and the eastern line of said Parcel A; thence, S 30°-46'-36" W, 75.00 feet along the eastern line of said Parcel A to a point; thence, N 59°-13'-24" W, 200.00 feet to a point; thence, N 30°-46'-36" E, 55.00 feet to a point; thence, N 59°-13'-24" W, 293.22 feet, more or less to the eastern line of said Parcel B; thence, N 12°-00'-36" E, 21.12 feet, more or less, on the eastern line of said Parcel B, to the southern line of Bruce Road (Variable Width R/W) being said point of beginning.

Said easement, being a temporary construction easement to be acquired or condemned by the Ordinance, contains 20,933 square feet or

0.481 acre, more or less, of land; and

For the temporary construction easement across
3833 Bruce Road:

All that certain lot, piece or parcel of land situate, lying and being in the City of Chesapeake, Virginia to be used as a temporary construction easement across 3833 Bruce Road for a water main and appurtenant facilities and being a portion of the property of Judith A. Clarke as shown on the plat entitled "Project Parcel 004 Plat Showing Variable Width Permanent Easement and Temporary Construction Easement to be Acquired From Nancy Lynwood Clarke Jones & Judith A. Clarke by City of Norfolk," dated July 6, 2012 and revised November 18, 2013 and December 3, 2013, prepared by Rouse-Sirene Associates, Ltd., and attached hereto as "Exhibit A," said portion being more particularly described as follows:

COMMENCING at a point on the southern line of Bruce Road (Variable Width R/W) that is the northwest corner of Parcel A, property of Nancy Lynwood Clarke Jones & Judith A. Clarke (M.B. 60, P. 69) and the northeast corner of Parcel B, now or formerly Mariana C. Sumner, Trustee of the Sumner Family Trust (M.B. 60, P. 69); thence, from the point of commencement thus described, S 59°-13'-24" E, 500.02, more or less, to an angle point in the southern line of Bruce Road (Variable Width R/W) and the eastern line of said Parcel A; thence, N 30°-46'-36" E, 2.46 feet along the line of Bruce Road (Variable Width R/W) to the point of BEGINNING; thence, continuing along the line of Bruce Road (Variable Width R/W), N 30°-46'-36" E, 10.04 feet to a point; thence leaving the said line of Bruce Road (Variable Width R/W), S 64°-22'-56" E, 83.46 feet, more or less, to the southern line of said Bruce Road (Variable Width R/W); thence, S 59°-13'-24" E, 28.15 feet along said southern line of said Bruce Road (Variable Width R/W) to the

western line of property now or formerly Judith A. Clarke (M.B. 78, P.82); thence along said western line of property now or formerly Judith A. Clarke (M.B. 78, P.82), S 01°-49'-36" W, 8.16 feet, more or less, to a point; thence, N 64°-22'-56" W, 115.70 feet, more or less, to the line of said Bruce Road (Variable Width R/W) being said point of beginning.

Said easement, being the temporary construction easement to be acquired or condemned by the Ordinance, contains 1,096 square feet or 0.025 acre, more or less, of land; and

For the permanent utility easement:

All that certain lot, piece or parcel of land situate, lying and being in the City of Chesapeake, Virginia to be used as a permanent utility easement for a water main and appurtenant facilities and being a portion of the property of Judith A. Clarke as shown on the plat entitled "Project Parcel 004 Plat Showing Variable Width Permanent Easement and Temporary Construction Easement to be Acquired From Nancy Lynwood Clarke Jones & Judith A. Clarke by City of Norfolk," dated July 6, 2012 and revised November 18, 2013 and December 3, 2013, prepared by Rouse-Sirene Associates, Ltd., and attached hereto as "Exhibit A," said portion being more particularly described as follows:

COMMENCING at a point on the southern line of Bruce Road (Variable Width R/W) that is the northwest corner of Parcel A, property of Nancy Lynwood Clarke Jones & Judith A. Clarke (M.B. 60, P. 69) and the northeast corner of Parcel B, now or formerly Mariana C. Sumner, Trustee of the Sumner Family Trust (M.B. 60, P. 69); thence, from the point of commencement thus described, S 59°-13'-24" E, 500.02, more or less, to an angle point in the southern line of Bruce Road (Variable Width R/W) and the eastern line of said Parcel A; thence, N 30°-46'-36" E, 12.50 feet along the line of

Bruce Road (Variable Width R/W) to the point of BEGINNING; thence, continuing along the line of Bruce Road (Variable Width R/W), N 30°-46'-36" E, 7.50 feet to a point on the southern line of said Bruce Road (Variable Width R/W); thence, S 59°-13'-24" E, 83.13 feet to a point on said southern line of said Bruce Road (Variable Width R/W); thence, N 64°-22'-56" W, 83.46 feet, more or less, to the line of said Bruce Road (Variable Width R/W) being said point of beginning.

Said easement, being the permanent utility easement to be acquired or condemned by the Ordinance, contains 312 square feet or 0.007 acre, more or less, of land.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

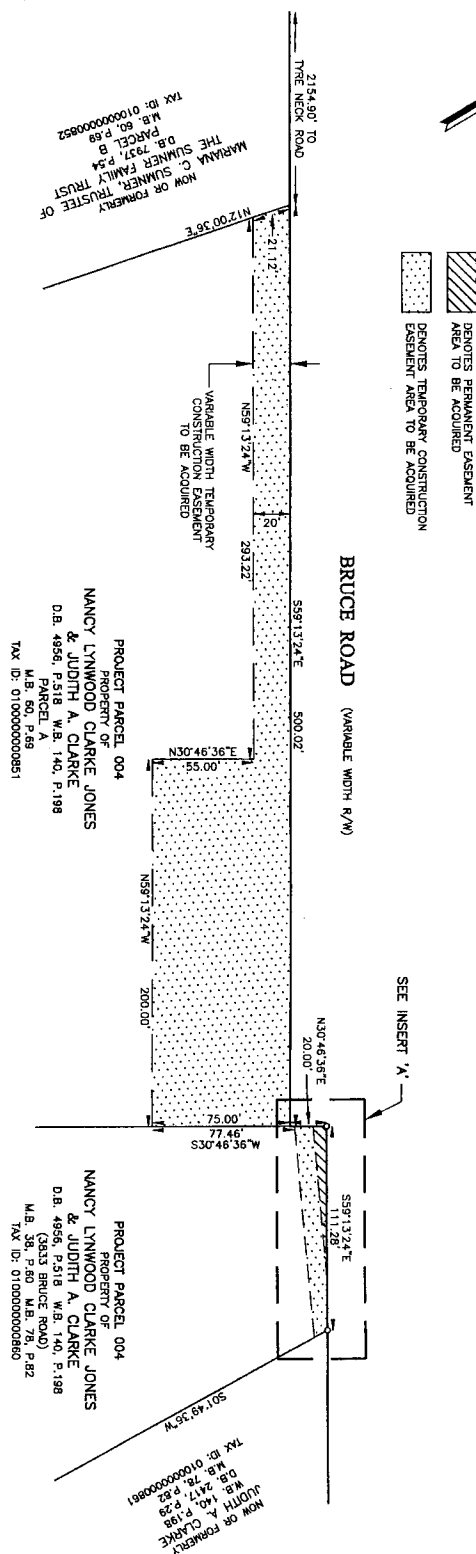
ATTACHMENT:
Exhibit A (1 page)

VARIABLE WIDTH PERMANENT EASEMENT AREA = 312 S.F./0.007 ACRE
10' TEMPORARY CONSTRUCTION EASEMENT AREA = 1,098 S.F./0.025 ACRE

AREA PARCELA:
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT AREA = 20,933 S.F./0.481 ACRES

NOTES:

1. MARBON SOURCE IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM OF 1983. SOUTH ZONE. NAD83(1994 HARN). COORDINATE VALUES ARE EXPRESSED IN U.S. SURVEY FEET.
2. HIS PLAT IS FOR EASEMENT ACQUISITION PURPOSES ONLY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.
3. THIS PLAT WAS PREPARED UTILIZING A TITLE REPORT PREPARED BY PEDERBONE, TITLE, DATED OCTOBER 16, 2013.



VARIABLE WIDTH
PERMANENT EASEMENT
TO BE ACQUIRED

BRUCE ROAD

PIN (73)

S89°13'24"E 111.28'

100' 10' 10.04'

S30°46'36"E 20.00'

75.00' 77.48'

10' TEMPORARY CONSTRUCTION EASEMENT TO BE ACQUIRED

S89°13'24"E 65.46'

N64°22'56"W 65.46'

N64°22'56"W 115.70'

28.15'

81.6'

PIN (73)

S50°54'10"W 50.94'

INSERT 'A'
SCALE: 1"=20'

0 20 40 80 120 160 FEET

GRAPHIC SCALE

PROJECT PARCEL 004
PLAT SHOWING
VARIABLE WIDTH PERMANENT EASEMENT
AND TEMPORARY CONSTRUCTION EASEMENTS
TO BE ACQUIRED FROM
NANCY LYNNWOOD CLARKE JONES
& JUDITH A. CLARKE

CITY OF NORFOLK
WESTERN BRANCH BOROUGH - CHESAPEAKE, VIRGINIA
SCALE: 1"=40'
DATE: JULY 8, 2013

DATE: JULY 6, 2012
REMSD: NOVEMBER 18, 2013
REMSD: DECEMBER 3, 2013



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P.S. 734, P.60